

## FACTSHEET

### QUALIFICATION / DISQUALIFICATION OF POLITICAL PARTIES FOR 2000 ELECTIONS

#### I. Statutory Requirements

HRS §11-61 requires that political parties in the state that do not meet one of the following requirements shall be subject to disqualification:

- A. A party must have had candidates running for election at the last general election for any of the offices listed below whose terms had expired. (This does not include those offices which were vacant because the incumbent had died or resigned before the end of the incumbent's term; and
- B. The party received at least ten per cent (10%) of all votes cast:
  - 1. For any of the offices voted upon by all the voters in the State;
  - 2. In at least fifty per cent (50%) of the congressional districts;
  - 3. In at least the six senatorial districts with the lowest votes cast for the office of state senator; OR
  - 4. In at least fifty per cent (50%) of the representative districts for the office of state representative.

*NOTE: County races do not apply towards the qualification or disqualification of political parties.*

#### II. Ten-Year Qualification Provision:

HRS §11-62(d) states that each group/party, having first qualified as a political party by petition, and having been qualified by petition or by ballot (vote) for three consecutive general elections will be deemed a political party for the next 10 years (next five general elections). To remain a qualified political party, the party must continue to field candidates for public office during the ten-year period following qualification.

In 1996, the Hawaii Green Party, having qualified for three consecutive general elections, by petition or by ballot (vote), was deemed a political party for the next 10 years (next five general elections). The Hawaii Green Party must continue to field candidates in each election and is subject to the qualification/disqualification provisions in HRS §11-61 in the 2006 elections.

**III. Calculations for Qualification/Disqualification of Parties After the 1998 Elections**  
(See Attachment 1 for more information.)

**A. Democratic Party of Hawaii - Calculations**

**1. U.S. Senator**

a.	<u>CANDIDATES</u>	<u>VOTES</u>
	<b>(D) Inouye, Daniel K.</b>	<b>315,252</b>
	(R) Young, Crystal	70,964
	(L) Mallan, Lloyd J.	<u>11,908</u>
	<b>TOTAL VOTES</b>	<b>398,124</b>

**b. Number of Votes Needed to Remain Qualified**

398,124 total votes X 10% = 39,812 votes

**c. Party Qualification**

The Democratic Party of Hawaii received the minimum number of votes needed to remain qualified for the 2000 elections.

- 2.** The Democratic Party of Hawaii also received the number of votes needed to qualify for the 2000 elections in the Gubernatorial/Lt. Gubernatorial, Congressional, State Senatorial, and State Representative contests. (See Attachment No. 1 for more information.)

**B. Republican Party of Hawaii - Calculations**

**1. U.S. Senator**

a.	<u>CANDIDATES</u>	<u>VOTES</u>
	(D) Inouye, Daniel K.	315,252
	<b>(R) Young, Crystal</b>	<b>70,964</b>
	(L) Mallan, Lloyd J.	<u>11,908</u>
	<b>TOTAL VOTES</b>	<b>398,124</b>

**b. Number of Votes Needed to Remain Qualified**

398,124 total votes X 10% = 39,812 votes

**c. Party Qualification**

The Republican Party of Hawaii received the minimum number of votes needed to remain qualified for the 2000 elections.

2. The Republican Party of Hawaii also received the number of votes needed to qualify for the 2000 elections in the Gubernatorial/Lt. Gubernatorial, Congressional, State Senatorial, and State Representative contests. (See Attachment No. 1 for more information.)

C. Natural Law Party of Hawaii

1. The Natural Law Party of Hawaii fielded the following 2 candidates in the 1998 General Election:

- a. Nicholas Bedworth, U.S. Rep., Dist. I
- b. Lauri A. Clegg, State Rep., Dist. 23

2. The only test that could be used to determine whether the Natural Law Party of Hawaii remained qualified for the 2000 elections was the Congressional District I contest because the party did not field enough candidates in any other category to meet the thresholds for qualification.

3. U.S. Representative, District I - Calculations

a.	<u>CANDIDATES</u>	<u>VOTES</u>
	(D) Abercrombie, Neil	116,693
	(R) Ward, Gene	68,905
	<b>(NL) Bedworth, Nicholas</b>	<b><u>3,973</u></b>
	TOTAL VOTES	189,571

- b. Number of Votes Needed to Remain Qualified

189,571 total votes X 10% = 18,957 votes

- c. Party Qualification

The Natural Law Party of Hawaii candidates did not receive the minimum number of votes needed to remain qualified for 2000 elections.

D. Libertarian Party of Hawaii

1. The Libertarian Party of Hawaii fielded the following 13 candidates in the 1998 General Election:

- a. Lloyd J. Mallan, U.S. Senator
- b. Noreen Chun, U.S. Rep., Dist. 2
- c. George G. Peabody, Governor
- d. Larry Bartley, Lt. Governor
- e. Michael Dyer, State Sen., Dist. 6
- f. Darrel Gardner, State Sen., Dist. 10
- g. Robert Grayson, State Sen., Dist. 17
- h. Li Zhao, State Sen., Dist. 19

- i. Michael Powell, State Sen., Dist. 23
- j. James O'Keefe, State Rep., Dist. 2
- k. Ernest Anderson, State Rep., Dist. 4
- l. Guy Monahan, State Rep., Dist. 34
- m. Glen Elliott, State Rep., Dist. 44

2. The tests used to determine whether the Libertarian Party of Hawaii remained qualified for the 2000 elections were the contests for U.S. Senate, Governor/Lt. Governor, Congressional District II, State Senate, and State Representative.

3. Calculations

a. U.S. Senator

(1)	<u>CANDIDATES</u>	<u>VOTES</u>
	(D) Inouye, Daniel K.	315,252
	(R) Young, Crystal	70,964
	<b>(L) Mallan, Lloyd J.</b>	<b><u>11,908</u></b>
	TOTAL VOTES	398,124

(2) Number of Votes Needed to Remain Qualified

398,124 total votes X 10% = 39,812 votes

(3) Party Qualification

The Libertarian Party of Hawaii did not receive the minimum number of votes needed to remain qualified for the 2000 elections.

b. Governor/Lt. Governor

(1)	<u>CANDIDATES</u>	<u>VOTES</u>
	(D) Cayetano/Hirono	204,206
	(R) Lingle/Koki	198,952
	<b>(L) Peabody/Bartley</b>	<b><u>4,398</u></b>
	TOTAL VOTES	407,556

(2) Number of Votes Needed to Remain Qualified

407,556 total votes X 10% = 40,756 votes

(3) Party Qualification

The Libertarian Party of Hawaii did not receive the minimum number of votes needed to remain qualified for the 2000 elections.

c. U.S. Representative, District II

(1)	<u>CANDIDATES</u>	<u>VOTES</u>
	(D) Mink, Patsy T.	144,254
	(R) Douglass, Carol J.	50,423
	<b>(L) Chun, Noreen L.</b>	<b><u>13,194</u></b>
	TOTAL VOTES	207,871

(2) Number of Votes Needed to Remain Qualified

207,871 total votes X 10% = 20,787 votes

(3) Party Qualification

Libertarian Party of Hawaii candidates did not receive the minimum number of votes needed to remain qualified for 2000 elections.

d. State Senate, Districts 4, 10, 13, 19, 21, & 22  
(Six Senate Districts with lowest votes cast)

(1)	<u>PARTY</u>	<u>VOTES</u>
	Democrats	58,610
	Republicans	15,787
	<b>Libertarians</b>	<b><u>3,919</u></b>
	TOTAL VOTES	78,316

(2) Number of Votes Needed to Remain Qualified

78,316 total votes X 10% = 7,832 votes

(3) Party Qualification

Libertarian Party of Hawaii candidates did not receive the minimum number of votes needed to remain qualified for 2000 elections.

e. State Representative, Districts 2, 4, 7-10, 19, 20-22, 24, 25, 27-30, 32, 34, 36-38, 40, & 43-46 (26 Rep. Districts - includes 24 Rep. Districts with the lowest votes cast and Rep. Dist. 4 and 34)

(1)	<u>PARTY</u>	<u>VOTES</u>
	Democrats	109,918
	Republicans	57,023
	<b>Libertarians</b>	<b><u>3,348</u></b>
	TOTAL VOTES	170,289

(2) Number of Votes Needed to Remain Qualified

170,289 total votes X 10% = 17,029 votes

(3) Party Qualification

Libertarian Party of Hawaii candidates did not receive the minimum number of votes needed to remain qualified for 2000 elections.

**IV. Results of 1998 Qualification/Disqualification Test**

A. Parties that Qualified for the 2000 Elections:

1. Democratic Party of Hawaii: HRS Section 11-61(b)
2. Republican Party of Hawaii: HRS Section 11-61(b)
3. Hawaii Green Party: HRS Section 11-62(d)

B. Parties that did not Qualify for the 2000 Elections

1. Natural Law Party of Hawaii
2. Libertarian Party of Hawaii

C. Notices of Intent to Disqualify

1. On February 24, 1999, the Libertarian Party of Hawaii and the Natural Law Party of Hawaii were sent notices of intent to disqualify the party because they did not receive the minimum number of votes needed to remain qualified for the 2000 elections.
2. On March 1, 1999, "Notices of Intent to Disqualify" the Libertarian Party of Hawaii and the Natural Law Party of Hawaii were printed statewide in the Hawaii State and County Public Notices, RFD Publications, Inc.

D. Request for Hearing

Officers of both parties had until March 11, 1999 or 10 days after certified letter transmitting the notice of intent to disqualify the party is received to request a hearing on the notice of intent to disqualify. To request a hearing, an officer of the party must file an affidavit with the chief election officer setting forth the facts showing the reasons why the party should not be disqualified.

E. Affidavit Filed by Libertarian Party of Hawaii

On March 12, 1999, the Libertarian Party of Hawaii filed a notarized affidavit with the chief election officer setting forth reasons why the party should not be disqualified. The notice was received within the statutory deadline and a public hearing was scheduled for April 1, 1999.

F. Public Hearing of Libertarian Party of Hawaii

On March 27, 1999 and March 29, 1999, notice of the public hearing was given. On April 1, 1999, the public hearing was held on the matter of the disqualification of the Libertarian Party of Hawaii in the Office of the Lieutenant Governor, Executive Conference Room, at 3:30 p.m.

G. Hearing Officer's Decision on Disqualification

On April 12, 1999, the hearing officer rendered the decision that the Libertarian Party of Hawaii did not satisfy the requirements of Section 11-61(b) and was disqualified as a political party.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

Office of Elections - FSBO127A  
04/16/99

## **PART V. PARTIES**

**§11-61 "Political party" defined.** (a) The term "political party" means any party which has qualified as a political party under sections 11-62 and 11-64 and has not been disqualified by this section. A political party shall be an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy and which maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao.

(b) Any party which does not meet the following requirements or the requirements set forth in sections 11-62 to 11-64, shall be subject to disqualification;

- (1) A party must have had candidates running for election at the last general election for any of the offices listed in paragraph (2) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of the incumbent's term; and
- (2) The party received at least ten per cent of all votes cast:
  - (A) For any of the offices voted upon by all the voters in the State;
  - (B) In at least fifty per cent of the congressional districts;
  - (C) In at least the six senatorial districts with the lowest votes cast for the office of state senator; or
  - (D) In at least fifty per cent of the representative districts for the office of state representative.[L 1970, c 26, pt of §2; am L 1979, c 125, §3(1); am L 1983, c 34, §3; am L 1986, c 323, §1; am L 1997, c 287, §1]

**§11-62 Qualification of political parties; petition.** (a) Any group of persons hereafter desiring to qualify as a political party for election ballot purposes in the State shall file with the chief election officer a petition as provided in the section. The petition for qualification as a political party shall:

- (1) Be filed not later than 4:30 p.m. on the one hundred seventieth day prior to the next primary;
- (2) Declare as concisely as may be the intention of signers thereof to qualify as a statewide political party in the State and state the name of the new party;
- (3) Contain the name, signature, residence address, date of birth, and other information as determined by the chief election officer of currently registered voters comprising not less than one per cent of the total registered voters of the State as of the last preceding general election;
- (4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committees of the political party and by the party rules; and
- (5) Be upon the form prescribed and provided by the chief election officer.

(b) The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any other political party. All objections shall be made not later than 4:30 p.m. on the tenth business day after the petition has been filed. If no objections are raised by 4:30 p.m. on the tenth business day, the petition shall be approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the petition or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.

(c) The chief election officer may check the names of any persons on the petition to see that they are registered voters and may check the validity of their signatures. The petition shall be public information upon filing.

(d) Each group of persons desiring to qualify as a political party, having first qualified as a political party by petition under this section, and having been qualified as a political party for three consecutive



general elections by petition or pursuant to section 11-61(b), shall be deemed a political party for the following ten-year period. The ten-year period shall begin with the next regularly scheduled general election; provided that each party qualified under this section shall continue to field candidates for public office during the ten-year period following qualification. After each ten-year period, the party qualified under this section shall either remain qualified under the standards set forth in section 11-61, or requalify under this section 11-62. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(p); am L 1983, c 34, §4; am L 1986, c 323, §2; am L 1993, c 304, §4; am L 1997, c 287, §2]

**§11-63 Party rules, amendments to be filed.** All parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(q); am L 1983, c 34, §5; am L 1986, c 323, §3]

**§11-64 Names of party officers to be filed.** All parties shall submit to the chief election officer and the respective county clerks not later than 4:30 p.m. on the ninetieth day prior to the next primary, a list of names and addresses of officers of the central committee and of the respective county committees. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(r); am L 1983, c 34, §6]

**§11-65 Determination of party disqualification; notice of disqualification.** (a) Not later than 4:30 p.m. on the one hundred twentieth day after a general election, the chief election officer shall determine which parties were qualified to participate in the last general election, but which have become disqualified to participate in the forthcoming elections. Notice of intention to disqualify shall be served by certified or registered mail on the chairperson of the state central committee or in the absence of the chairperson, any officer of the central committee of the party, as shown by the records of the chief election officer. In addition, public notice of intention to disqualify shall also be given.

(b) If an officer of the party whose name is on file with the chief election officer desires a hearing on the notice of intention to disqualify, the officer of the party shall, not later than 4:30 p.m. on the tenth day after service by mail or not later than 4:30 p.m. on the tenth day after the last day upon which the public notice is given in any county, whichever is later, file an affidavit with the chief election officer setting forth facts showing the reasons why the party should not be disqualified. The chief election officer shall call a hearing not later than twenty days following receipt of the affidavit. The chief election officer shall notify by certified or registered mail the officer of the party who filed the affidavit of the date, time and place of the hearing. In addition, public notice of the hearing shall be given not later than five days prior to the day of the hearing. The chief election officer shall render the chief election officer's decision not later than 4:30 p.m. on the seventh day following the hearing. If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. A party thus disqualified shall have the right to requalify as a new party by following the procedures of section 11-62. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(5); am L 1977, c 189, §1(4); gen ch 1985, 1993; am L 1998, c 2, §4]

**1998 GENERAL ELECTION  
PARTY QUALIFICATION/DISQUALIFICATION CALCULATIONS**

**ATTACHMENT 1**

Contest	POLITICAL PARTIES							Votes Needed to Remain Qualified
	Democrat c	Republican n	Libertarian n	HI Green	Nat. Law	Nonpartisan n	TOTAL	
Statewide Offices:	Ten per cent of all votes cast for any of the offices voted upon by all the voters in the State.							
U.S. Senator	315,252	70,964	11,908	N/A	N/A	N/A	398,124	39,812
Governor/Lt. Governor	204,206	198,952	4,398	N/A	N/A	N/A	407,556	40,756
Congressional Offices:	Ten per cent of all the votes cast in at least fifty per cent of the congressional districts.							
Congressional District I	116,693	68,905	N/A	N/A	3,973	N/A	189,571	18,957
Congressional District II	144,254	50,423	13,194	N/A	N/A	N/A	207,871	20,787
State Senate Offices:	Ten per cent of all the votes cast in at least the six senatorial districts with the lowest votes cast for the office of state senator.							
Senatorial Districts 4, 10, 13, 19, 21, & 22	58,610	15,787	3,919	N/A	N/A	N/A	78,316	7,832
State Representative Offices:	Ten per cent of all the votes cast in at least fifty per cent of the representative districts for the office of state representative.							
Representative Districts 2, 4, 7-10, 19-22, 24, 25, 27-30, 32, 34, 36-38, 40, & 43-46 (Includes 24 Rep. Districts with the lowest votes cast and Rep. Dist. 4 and 34.)	109,918	57,023	3,348	N/A	N/A	N/A	170,289	17,029

Calculations do not include blank votes and over votes pursuant to Attorney General Opinion No. 81-6.

**1998 GENERAL ELECTION  
PARTY QUALIFICATION/DISQUALIFICATION CALCULATIONS**

**ATTACHMENT 1**

**SIX SENATE DISTRICTS WITH LOWEST VOTES CAST**

<b>Party</b>	<b>Sen. Dist. 4</b>	<b>Sen. Dist. 10</b>	<b>Sen. Dist. 13</b>	<b>Sen. Dist. 19</b>	<b>Sen. Dist. 21</b>	<b>Sen. Dist. 22</b>	<b>TOTAL</b>
Democratic	9,732	9,241	8,568	13,692	8,201	9,176	58,610
Republican	4,603	N/A	5,917	N/A	2,611	2,656	15,787
Libertarian	N/A	2,813	N/A	1,106	N/A	N/A	3,919
Hawaii Green	N/A	N/A	N/A	N/A	N/A	N/A	0
Natural Law	N/A	N/A	N/A	N/A	N/A	N/A	0
Nonpartisan	N/A	N/A	N/A	N/A	N/A	N/A	0
<b>TOTAL</b>	<b>14,335</b>	<b>12,054</b>	<b>14,485</b>	<b>14,798</b>	<b>10,812</b>	<b>11,832</b>	<b>78,316</b>
78,316 x 10% = 7,832 votes needed for party to remain qualified via this method.							

Calculations do not include blank votes and over votes pursuant to Attorney General Opinion No. 81-6.

**1998 GENERAL ELECTION  
PARTY QUALIFICATION/DISQUALIFICATION CALCULATIONS**

**ATTACHMENT 1**

**REPRESENTATIVE DISTRICTS WITH LOWEST VOTES CAST & REP. DISTRICT 4 and 34  
(26 Representative Districts)**

Rep. Dist.	Democrat c	Republican	Libertarian	Hawaii Green	Natural Law	Nonpartisan	TOTAL
2	6,199	1,166	424				7,789
4	5,058	2,224	1,612				8,894
7	3,979	2,385					6,364
8	4,249	3,268					7,517
9	6,292	1,197					7,489
10	5,749	2,090					7,839
19	4,815	2,936					7,751
20	4,115	1,366					5,481
21	1,499	3,744					5,243
22	3,500	1,562					5,062
24	3,904	3,446					7,350
25	4,286	2,159					6,445
27	3,703	3,684					7,387
28	4,616	1,650					6,266
29	3,400	1,502					4,902
30	3,010	1,278					4,288
32	2,117	2,796					4,913
34	6,773		1,193				7,966
36	4,859	1,273					6,132
37	6,151	1,770					7,921
38	5,020	2,663					7,683
40	4,653	1,868					6,521
43	4,053	1,402					5,455
44	2,576	2,597	119				5,292
45	3,501	2,339					5,840
46	1,841	4,658					6,499
TOTAL	109,918	57,023	3,348	0	0	0	170,289
170,289 x 10% = 17,029 votes needed for the party to remain qualified via this method.							

Calculations do not include blank votes and over votes pursuant to Attorney General Opinion No. 81-6.